IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.748 OF 2004
IN
NOTICE OF MOTION NO.3398 OF 2004
IN
SUIT NO.3388 OF 2004

Jagdeep Kapoor & Anr. .. Appellants.
V/s.
Sharuskie Marketing Consultants Ltd. & Ors. .. Respondents.

Mr.Virag Tulzapurkar i/b. D.S.K. Legal for the appellants.

Mr.H.W. Kane for respondent Nos.1 & 2.

Mr.Sanjay Kher i/b. R.M. Kadam for respondent No.3.

Mr.D.R.Dhurat, Asstt. Court Receiver present.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 23RD DECEMBER, 2004.

P.C. :

In compliance of our order dated December 2, 2004, the Court Receiver has submitted his report and also seized the material as per our direction. The material is placed in sealed cover.

2. In our considered view, the prayer for ad-interim reliefs should now be considered by the learned motion Judge since the respondents have already been served and represented by their advocates.

3. We, accordingly, dispose of the appeal by following order :

i) The appellants (original plaintiffs) are given liberty to apply to the learned motion Judge for ad-interim reliefs after giving 24 hours notice to the respondents (original defendants) as well as the Court Receiver.

ii) The reply-affidavit filed by the respondents to the notice of motion No.3464 of 2004 in the present appeal shall be treated as reply-affidavit to the notice of motion No.3398 of 2004.

iii) The appellants (plaintiffs) shall be at liberty to file rejoinder to the reply-affidavit filed by the respondents.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)